

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LUCAS CALIXTO, *et al.*,

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
THE ARMY, *et al.*,**

Defendants.

Civil Action No. 18-1551 (ESH)

ORDER

As discussed at the conference call held on July 22, 2019, it is hereby

ORDERED that the July 24, 2019 deadline for plaintiffs to file a supplemental pleading regarding class certification and the July 29, 2019 deadline for defendants to file a response (*see* Order, ECF No. 107) are **VACATED**; it is further

ORDERED that plaintiffs shall file by **July 26, 2019, at 12 pm** a status report that sets forth exactly what discovery, if any, is needed regarding proposed sub-class 2, a proposal for how they intend to proceed with class certification, and confirmation of whether the 13 files produced in discovery contain evidence of any individual receiving notice prior to discharge; and it is further

ORDERED that defendants shall file a report on or before **July 29, 2019, at 12 pm**, that answers the following questions:

- 1) The number of DTPs discharged for non-MSSD reasons since September 30, 2016, who received a USAREC discharge order but not a USARC discharge order;

- a. What are the Army's plans to ensure that this group receives the notification

procedures outlined in AR 135-178; and

- b. The number of people within this group for whom USCIS (and/or any other government agency) was notified that they had received an Army discharge, and whether the Army plans to notify USCIS (and/or another agency) that this group has not, in fact, been discharged from the Army.
- 2) The number of DTPs discharged for non-MSSD reasons since September 30, 2016, who have received both a USAREC discharge order and a USARC discharge order; and
 - a. What are the Army's plans regarding this group, particularly where they are identified as having been discharged without receiving the procedures outlined in AR 135-178.
- 3) The number of DEPs who have been discharged for non-MSSD reasons since September 30, 2016, and have received a USAREC discharge order.
- 4) The number of MSSR notification letters that have been sent to DTPs pursuant to the October 26, 2018 Memo, and the number of MSSR notification letters that have been sent to DEPs; and
 - a. The number of people who have responded to these MSSR notification letters.



Ellen S. Huvelle

ELLEN S. HUVELLE
United States District Judge

Date: July 23, 2019